

Minutes of a Town of Riverhead board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, December 21, 2010 at 7:00 p.m.

**PRESENT:**

Sean Walter,	Supervisor
John Dunleavy	Councilman
James Wooten,	Councilman
George Gabrielsen,	Councilman
Jodi Giglio,	Councilwoman

**ALSO PRESENT:**

Diane M. Wilhelm,	Town Clerk
Dawn Thomas,	Town Attorney

(The Pledge of Allegiance was recited and the invocation was led by Deacon Michael A. Bonacore).

Supervisor Walter: "Okay, let's see where we are here. Oh, did we not get it on? We lost the beginning? Listen, Jodi, Councilwoman Giglio says 7:00 we start, we start. She's probably got some shopping to do. Do you?"

Councilwoman Giglio: "I actually did- between 5:30 and now I did shopping, I went home and cooked chicken cutlets, I fed the kids, here I am."

Supervisor Walter: "Nice. Well, let's- well we had the invocation from Deacon Michael Bonacore from St. Isidore's Church and we thank Deacon Bonacore and St. Isidore's and, Diane, can we get the approval of the December 7<sup>th</sup> town board minutes?"

Councilman Dunleavy: "Okay, I make a motion we approved the December 7, 2010 town board minutes. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "It would be hard to pass this moment. This is the- Dawn Thomas' last town board meeting here and it is a-- it's with great sadness that I say this. She has been with the town now just about 11 years. She's the longest serving town attorney in modern history in Riverhead-- Riverhead' modern history. We may have had some-- I don't know, Mr. Wines may be able to find some back at the Sylvester Miller times but I'm pretty certain that being a town attorney in the times of Sylvester Miller were a little bit easier than they are now.

We've become a very litigious society, a very litigious town and we have kept Dawn in the last year busy. I know Supervisor Cardinale-- Supervisor Kozakiewicz had great respect for her and kept her busy, too.

It is sad because I consider not only Dawn a friend, but as she said last night, I'm like her kid brother. So just remember I'm younger.

So it is with-- it is difficult-- as difficult as it is, I know that she is going on with Judge Gazillo to a place as a law secretary and the skills that she has shown us here will be greatly appreciated I'm sure by Judge Gazillo and I wish her-- I have nothing but gratitude.

I wish her a great time and I'd like to just give her a little round of applause."

Dawn Thomas: (Inaudible)

Supervisor Walter: "Yes. That's what this job is, fun. We get a little feedback in the microphone tonight.

Okay, well, with that being said, Reports."

#### **REPORTS:**

Sewer district                      discharge monitoring report for

November, 2010

**CORRESPONDENCE:**

Jim Dreeben, Jamesport	letter submitted December 13, 2010 re a tree cut down from his property in Jamesport
Ellen and Steve Berger, Jamesport	letter submitted December 7, 2010 in favor of the establishment of a community garden in downtown Riverhead
Verna S. Campbell Town Employee	letter submitted December 20, 2010 thanking fellow employees for their help and support

Diane Wilhelm: "And Verna would like for me to read the letter.

Thanks to all of you. Thank you all for the beautiful bouquet of flowers and the basket filled with fruit which I thoroughly enjoyed. It was all so overwhelming and I thank you all again very, very much.

You have all made me feel so special and I do appreciate all of your concern. I love each and every one of you. God bless you all and Merry Christmas and a very Happy, Healthy New Year.

Verna S. Campbell"

Supervisor Walter: "Verna is one of those very special employees that the town has and what is amazing to me is when you speak to people from the outside, from other towns, they all know Verna.

And you know how they know her? Because she and I can't do it but she's always like hello on the phone and so when people on the outside reference- they come in touch with that (inaudible).

They say that to me and they know that it's with affection that it's Verna that they're speaking about so, you know, I thank her for that. She's a wonderful employee.

Okay, well where were we? All these nostalgic moments.

Are there any other reports?"

Councilman Wooten: "I'd like to just take a brief moment to thank our bonfire committee. Back on the 11<sup>th</sup> of December we had our bonfire on the riverfront. It was a great time. It was a great turnout. Santa Claus came up on the river but there was a lot of people to thank for putting that together.

And I'd like to mention their names only because it really is a labor of love and they volunteer their time and energies and a lot of their wares. So Eddie Densieski, Gary Joyce, Marty Sendlewski, Ray Dickhoff, Joan (inaudible) Densieski, Loretta Trojenowski, Tom Lessandro, Kevin Kerrick, the Riverhead BID, and all their people there, Ray (inaudible), the president, Janet Keller, Tim Griffin, Phil Hatoff from Phil's Garage, Mike (inaudible) who brought down the- Santa's house for us.

It was a good time. Also if you walk down Main Street, you'll notice that the storefronts have holiday decorations in them. The East End Arts is holding a contest for who has the best decorations. So a lot of students and organizations got together and took buildings and decorated them with Christmas themed.

So if you want to stop by East End Arts and pick up an application you can just go ahead and rate them. And next town board meeting is on the 28<sup>th</sup>, East End Arts is going to give out awards to the winners of those decorations.

So take a look at the decorations down Main Street and weigh in on rating them.

That's it."

Supervisor Walter: "I have to tell you, it is coming alive downtown. I mean some people don't wish to believe it, but we were at the Frisky Oyster, Dennis McDermott, the old Chase building is building a new restaurant downtown. Liz Strebel has reopened the Grill. It is- there is an excitement.

Liz said to me that the Red Door Collection which is right across the street in the old Ben Franklin's building on Saturday mornings, there's a line for people to get in there.

So I'm hoping the store by store, block by block approach- I'm not hoping, I know it's working, we see it's working. I'm cautiously optimistic that we are going to have a very big announcement soon. I don't want to say more than that but- so I wish Dennis McDermott, I wish Liz Strebel who just reopened that, the best of luck, and if you know me at all, as town supervisor, whenever I can shamelessly plug a Riverhead business I do and so there's my plugs."

Councilwoman Giglio: "So now you can thank Gabrielsens for the poinsettia."

Supervisor Walter: "Gabrielsens for the poinsettia."

Councilman Gabrielsen: "Thank you."

Councilman Dunleavy: "He decorated town hall today."

Supervisor Walter: "Very nice."

Councilman Dunleavy: "I just wanted to make one comment. On one of the letters we received, a letter from Jim Dreeben about cutting down his tree on Peconic Avenue."

I can't get a tree that most people in Jamesport want cut down and replaced with a new tree and this tree is dying and our highway department goes down and cuts a perfectly good tree down on Peconic Avenue. And I just don't see the light in what they do but they're run by themselves and they have to do what they think is good but I just wish that I could get this other tree cut down and replaced with a new, healthy tree."

Supervisor Walter: "Geo, can you get that tree cut down for the Councilman? We asked you nicely, please."

Councilman Dunleavy: "For the last three years, I've been asking nicely."

Supervisor Walter: "We'll get it taken care of. Well, thank you for that editorial comment on Mr. Dreeben's letter."

Any other town hall reports?"

Councilwoman Giglio: "Yes, I would like to say that the new

Hyatt that's being built on Main Street, the Landmarks Preservation had made recommendations to have a variation of brick colors so that we would keep the historic characteristic of downtown and James Bissett and his partners were successful in getting the Hyatt to change their standard brick so that we could have a building downtown that fits within the historic character of downtown Riverhead. So that's a good thing."

Councilman Gabrielsen: "And I've got to agree with both Sean and Jodi and just think the excitement that we're to the point that we're worrying about brick colors, that's all a good thing. The restaurant and this coming I think we're really-- you can feel the excitement, just talk to people coming in and it's very catchy. It's going to happen."

Supervisor Walter: "It's going to happen and I say this and people don't want to sometimes listen to it, stay positive, stay focused. We can't dwell on the negative. That's one of the hardest things-- one of the things that works against us. So thank you."

All right. Where are we? Four public hearings today."

Public hearing opened: 7:12 p.m.

Supervisor Walter: "The first public hearing is a consideration of designation of a structure owned by Ford and Barbara Kimmel, 11 Kimmel Lane, Jamesport, SCTM# 0600-90-1-30 as a landmark pursuant to Chapter 73 of the Riverhead town code, entitled Landmarks Preservation."

Richard Wines, I'm assuming you're going to tell us something about this."

Richard Wines: "Sure, now technically this is a joint hearing with the town board and the landmarks commission."

Supervisor Walter: "I see the landmarks commission sitting out there."

Richard Wines: "And Georgette Keller is here. The two of us are representing the landmarks commission today."

What I've just given you is the brochure for last year's historic Jamesport house tour on which the Kimmel-- the Peters-Kimmel

cottage was featured so I circled it on there so you can find it if you flip around someplace. There's a red circle around it. Thought you might like to see the house that we're talking about today.

The landmarks commission received a nomination from Ford and Barbara Kimmel who are here in the audience today by the way, right over here. The owners of the Peters-Kimmel cottage at 11 Kimmel Lane in Jamesport are requesting this designation as a town landmark. And the commission has considered this nomination and on September 27<sup>th</sup> we voted to recommend the designation of the Peters-Kimmel cottage as an official town landmark under the provisions of Chapter 73 of the town code.

Let me say just a few words about the purpose of landmark designation. According to Chapter 73, landmark designation is a way to give official recognition to properties that possess, and I quote, special character or historic or aesthetic interest or value of either a local, regional or state nature.

The code goes on to talk about, quote, distinguishing characteristics, and the architectural style and the unique features and, finally, mentions the importance of buildings as an established and familiar visual feature in the neighborhood.

Well, the Peters-Kimmel cottage certainly meets these criteria. As you can see in that brochure that I just handed out from last year's historic Jamesport house tour, it's really a cute place. And the Jamesport Campgrounds in which the cottage is located also by the way known as the Jamesport Methodist Camp Meeting.

It began in 1834 and it's a really unique part of Riverhead's historic and architectural heritage. They were founded in a majestic grove of oaks by David Tuttle who is the father of James Tuttle who founded Jamesport about the same time and gave it its name.

Originally the Camp Meeting was just a place where everybody came together for a week or two in the summer to listen to preaching and singing. But gradually toward the end of the 19<sup>th</sup> century it became more of a fresh air resort and people started pitching tents on platforms around the circle in the middle where the preaching took place and they slept in those tents all summer and then in the winter they packed their tents away in little cookhouses behind.

It must have been quite a summer adventure to stay there.

Then towards the end of the century, the campers began erecting whole group of picturesque Victorian cottages on the old tent platforms and the Peters-Kimmel cottage constructed in 1911 is one of the original groups of cottages constructed there.

And I have to say the Kimmel family has maintained this cottage impeccably. It is emblematic of the architectural heritage of the campgrounds and it's virtually unchanged from the day it was built in 1911.

In the minds of the Landmarks Preservation Commission there is no questions but that this cottage deserves the recognition of being named as the 57<sup>th</sup> officially designated town landmark.

But there is another important purpose to landmark designation. It is a way for owners who love an historic and wonderful home to make sure that it is preserved and protected in the future so that when they no longer will be around to be its custodians, someone will be there to take care of it.

This is what motivates the Kimmels and it's what motivates many of the rest of us who have designated or sought designation for our houses. It is a way to make sure that these places we love will have a level of official protection to make sure that their historic attributes are not thoughtlessly destroyed by a future owner less mindful of their value to the community.

I want to commend the Kimmels for seeking this designation. Thank you.

And, finally, let me say that while this designation may protect this historically and architecturally wonderful cottage, there are 20 more surviving campground cottages, many of them equally historically and architecturally interesting and together they form a wonderful neighborhood.

This is just the kind of community that needs the protection afforded by being designated as an official town historic district. Without this designation, future owners of these cottages can destroy them, alter them unrecognizably, or replace them with inappropriate modern structures.



It's already happened to a few of the campground buildings. The loss of any more of these unique and charming structures could (inaudible) change the character of this charming neighborhood that's so important to Riverhead's history.

So we hope to continue to work with other owners of these houses to achieve such recognition.

So, anyway, thank you, Ford and Barbara, for taking the lead and nominating your cottage for landmark designation and let us hope that we can eventually spread this designation throughout the whole campground neighborhood."

Supervisor Walter: "Thank you, Mr. Wines. Would anybody else like to be heard on this? I'm just going to put a plug in for Gabrielsen. Step up, Gabrielsen Builders, I think, had a hand in this house here."

Councilman Gabrielsen: "Yes. I'd like to- "

(Unidentified): "Yes, the only hand that will ever touch that house."

Councilman Gabrielsen: "Okay. Thank you. I've really got to applaud Ford and Barbara. I've known them for the years that they've kept this house right up to, you know, exact replication of what it was, and like Sean said, I heard they had a great builder through the years."

Supervisor Walter: "Yes, sir."

Richard VanderStoder: "Good evening, ladies and gentlemen. My name is Richard VanderStoder. I'm an attorney representing (inaudible) Camarater (phonetic) who is the owner and resident of 22 Kimmel Lane, one of Mr. Kimmer's neighbors.

I'm speaking out today not so much in opposition to the status of this house as being a landmark but the effect that it may have on the neighbors. I'm not sure if the board is aware, but the- as of right now, Kimmel Lane is in a flux status. It's unclear whether it's a dedicated road or it's a private road, whether it's maintained by the village.

And I think, Ms. Thomas, your office is aware of the problem

that's been going on there.

In front of the Kimmel house there is a railroad tie wall that's built out into what is arguably the bed of the roadway and there are letters from the town attorney to the individuals on that block saying- setting forth what has to be done to make that a public road.

And one of the things that has to be done is to remove the structures from the bed of the roadway, one of which is the railroad tie wall in front of the Kimmel residence.

Mr. Camarata's concern is that if this house is landmarked before that wall is removed and the road is dedicated, the road will not be able to be dedicated because of the landmark- "

Supervisor Walter: "Well, let me ask them a question because I was under the impression and I'm going to put him on the spot- that they had agreed to move that railroad tie wall. Is that true? Could you step up for the record and just let us know that you were going to do that? Just state your name and address."

Dr. Barbara Kimmel: "My name is Dr. Barbara Kimmel and we live at 11 Kimmel Lane. And Mr. Camarata threatened to kill my husband- "

Supervisor Walter: "Oh, well, I don't want to get into that."

Dr. Barbara Kimmel: "Oh no, we're going to get into it. We have been threatened; we have been verbally abused; and we spoke with Dawn regarding this."

Supervisor Walter: "We- "

Dr. Barbara Kimmel: "And Ann Marie- "

Supervisor Walter: "Ms. Kimmel, we- "

Dr. Barbara Kimmel: "-- and they have been out to the house and we said, yes, we would move- "

Supervisor Walter: "That's all we want to know."

Dr. Barbara Kimmel: "-- however, just one moment. There's

another owner that has railroad ties further into the road than our home. Why aren't you speaking to them? And further, Geo was out, he said there is no problem laying road, they are waiting for the owner, Simoza, to put up the money. So it's been left in abeyance until July."

Supervisor Walter: "All we want to know is you're going to- "

Dr. Barbara Kimmel: "July, Mr. Simoza refused to put the money up."

Supervisor Walter: "You're going to move the railroad ties. That's fantastic. That's what I thought was the case and we thank you for that."

Okay, is that it? We've got our answer on that and we'll work on the other one and I know we are and we're working on Mr. Samoza. He's been around for a while."

Richard VanderStoder: "Thank you very much and that essentially is Mr. Camarata's objection to this."

Supervisor Walter: "Not a problem. That being said, he removes his objection based on the representation that the railroad- "

Richard VanderStoder: "Predicated on the removal of the wall actually."

Supervisor Walter: "Thank you."

Georgette Keller: "Georgette Keller."

Supervisor Walter: "Hello, Miss Keller."

Georgette Keller: "I'm on the landmarks preservation commission with Mr. Wines and the others there and accepting this application and our recommendation for it to be approved."

On top of that, I'm also a neighbor of the Kimmels. I'm two houses away. I am arguably closer than Mr. Camarata except I'm on 6<sup>th</sup> Street and Kimmel Lane was moved when Mr. Simoza developed that land and that wall has been there for more than 30 years.

So there are a lot of mitigating issues that need to be worked out and I certainly hope that community communication just like, you know, we tried to do- "

Supervisor Walter: "I don't even want to- we had a question."

Georgette Keller: "-- continue so that it can be settled in a very amicable way."

Supervisor Walter: "We had a question asked about the wall, we got it answered. I don't want to have any more testimony about the wall, it's not really relevant to this."

Georgette Keller: "But it's more relevant that that cottage receive the protected designation- "

Supervisor Walter: "We had our answer- "

Georgette Keller: "-- and that we continue to get more cottages designated."

Councilman Gabrielsen: "I fully understand that and appreciate that. I appreciate that. My only question is the house can- I'm all in favor of landmark preservation designation, does that really become inclusive with all the land that's with it, too. It's probably a moot point."

Supervisor Walter: "All right. Anybody else wish to be heard on the matter?"

Richard Wines: "Let me clarify that, Jim. As far as I know designation a landmark has no bearing whatsoever on the status of the street in front of it. There's nothing in the code to that effect."

Supervisor Walter: "Thank you. Yes, sir."

Gregory Muth: "Yes, my name is Greg Muth, I live at 16- "

Supervisor Walter: "What's the last name, sir?"

Gregory Muth: "Muth, M-U-T-H. My wife and I, Catherine, live at 16 Kimmel Lane. I just want to make it clear our only concern is that it doesn't affect the status of the roadway. As long as that

can be taken care of we have no objection."

Supervisor Walter: "We are diligently working on that. We've been diligently working on that for a long time. We will get it resolved at some point, I'm confident."

Gregory Muth: "I just want to interject a little bit that I watched Ford Kimmel put that wall up about 20 years ago."

Supervisor Walter: "All right, thank you. I don't want to get into that. All right, does anybody else wish to be heard on this? There being nobody else, oh--"

Richard Wines: "Presumably you'll want to keep the record open for comments for a period of time."

Supervisor Walter: "Yes. We're going to leave-- does anybody else wish to be heard on the record? We're going to close it for comments and we're going to leave it open for written comments to the 31<sup>st</sup>-- is that Friday, so it's New Year's Eve, so the 30<sup>th</sup>. We'll leave it open 'til December 30<sup>th</sup> at 4:30 p.m. and written comments would be delivered to the town clerk's office by 4:30 on the 30<sup>th</sup>.

Okay, thank you."

Public hearing closed: 7:25 p.m.  
Left open for written comment to  
December 30, 2010 at 4:30 p.m.

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Public hearing opened: 7:25 p.m.

Supervisor Walter: "Okay. The next public hearing is scheduled for 7:10, 7:10 having arrived and left, this is for the consideration of a local law to amend Chapter 108 of the Riverhead town code entitled Zoning, Article XXX, Peconic River Community (PRC) Zoning Use District, Section 108-147-149.

And this has to do-- Dawn, you want to talk about this? This has to do with, along the community-- along West Main Street, the DEC changed the zoning from wild scenic recreation rivers to community rivers act and this-- our article of the zoning code sort of mimics what's permissible by the DEC under the community rivers

act."

Dawn Thomas: "That's correct. And we have a proposed mapping but we will have to have a separate public hearing for that. It was not included in the public hearing notice."

Councilwoman Giglio: "I have a copy of the map so can we make it available and incorporate it as part of the record of the meeting."

Dawn Thomas: "It can be part of the record but I think we have to have a separate public hearing and include it and publish the map and include that in the next one, provided we're not going to make any changes to this, subject to the comments we get today."

Supervisor Walter: "Can you leave a note for the next guy to make sure we get that public hearing put on?"

Dawn Thomas: "Yes."

Supervisor Walter: "Does anybody wish to be heard on this?"

Dominique Mendez: "Dominique Medez, Wading River. Actually I just couldn't hear what you just said there about the-- is it postponed? Is there going to be a public hearing?"

Dawn Thomas: "No. We're hearing the text-- the language that's proposed for this zoning use district tonight so the uses that will be allowed in the area that's designated now community rivers by the DEC are here and then we have a separate map that where we'll map the district on the lots so that will be a separate public hearing."

Dominique Mendez: "Okay. Can I read something then? I thought you actually said it was being postponed. This is not-- I'm not speaking for me. I'm reading a letter from the Group for the East End.

And it came to my attention today. This is from Jenn Skilbred, Group for the East End."

Supervisor Walter: "Do you want to submit a copy for the record?"

Dominique Mendez: "You should already have a copy but I'm not sure— and that's one of the reasons I'm reading it. I'm not sure that it got to the town board yet because it was today so you might not be aware of it so that's why I'm reading it."

I'm writing in regards to the Peconic River Community (PRC) zoning use district noticed for a hearing at tonight's town board meeting. I would like to express the concerns of Group for the East End that there has not been a map made publicly available regarding the district location.

The notice did not have a map attached or a description of the location for the new zone. After personally visiting town hall, I was told that there was no such map available for public review.

I believe a similar situation occurred when the Pine Barrens Overlay District Zone was being changed within EPCAL, and the outcome was a postponement of the hearing until after a map was published and made publicly available.

We feel that it is impossible for community members to fully review and consider the potential impacts of the newly created district if they are not provided the information as to where this new district will be located.

Therefore, I respectfully request that the hearing be postponed until after a map of the proposed location for the new zone is made available to the public.

Thank you for your careful consideration of these comments."

Supervisor Walter: "Not a problem. Can you submit that for the record, a copy of that so we know we have it?"

Dominique Mendez: "Yes."

Supervisor Walter: "And what— we can't postpone it because we opened it so what's going to happen is there will be another public hearing with the map and it will probably have the— it will just be a second bite of the apple. It will have the legislation as well."

Dominique Mendez: "So people could address the text also."

Supervisor Walter: "It will happen again."

Councilwoman Giglio: "We will leave this open until we have the hearing for the map?"

Supervisor Walter: "No. We're going to close it and then we will have another public hearing with the map attached with this legislation."

Dominique Mendez: "Thank you very much."

Councilwoman Giglio: "Okay. I just thought that they wanted to identify the areas that were going to be covered under this legislation so they could comment on whether or not they had a problem with any specific area on the map."

So I was thinking that we should possibly hold this legislation and this hearing open until such time as we have the hearing for the map and then we can leave the comment period open for both and then--

Supervisor Walter: "We've already opened the hearing. It's not going to make any difference because if we open this hearing-- we've opened it, we'll close it, and then we will publish the map. The map will have this legislation and we'll probably never act on the fact that we had this hearing. So it's the same difference."

Councilman Dunleavy: "I just don't understand why when we have a public hearing we can't have the full facts given out to the public at one time instead of relying on our town attorney to have another public hearing and it falls by the wayside, then these things happen and our zoning in effect is not good."

Supervisor Walter: "Okay. Would anybody else like to be heard on this matter?"

That being said, I'm going to close the-- not seeing anybody, I'm going to close the public comment portion of this hearing, leave it open for written comments until 12/30/2010 at 4:30 p.m. in the town clerk's office. And sometime in January-- I'm having a tough time speaking today, sometime in January we will probably revisit this entire issue again with everything that we need.

Thank you."

Public hearing closed: 7:30 p.m.



Left open for written comment to  
December 30, 2010 at 4:30 p.m.

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Public hearing opened: 7:31 p.m.

Supervisor Walter: "Next public hearing is scheduled for 7:15. This is for the consideration of a local law to amend Chapter 108 of the Riverhead town code entitled Zoning, Article XXXVII, Riverfront Corridor (RFC) zoning use district, Section 108-188.

And tell me we don't have a map for this one."

Dawn Thomas: "This is already mapped."

Supervisor Walter: "Okay, this one is mapped."

Dawn Thomas: "So this is just a- "

Supervisor Walter: "Oh, all right. We're here-- this is a housekeeping issue.

What's happened is the riverfront corridor zoning use district in section 108-188 subsection c, there were-- there's a line in there that says specifically permitted are the following. And there is nothing specifically permitted so we're striking that language. This is a housekeeping issue.

So does anybody wish to be heard on this? There being nobody, what we'll do is we'll leave this-- close the public comment portion, leave it open for written comment until December 30, 2010 at 4:30 in the town clerk's office."

Public hearing closed: 7:32 p.m.  
Left open for written comment to

December 30, 2010 at 4:30 p.m.

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Public hearing opened: 7:32 p.m.

Supervisor Walter: "The final public hearing is scheduled for 7:20. This is a consideration of a local law to amend Chapter 58 of the Riverhead town code entitled Dogs, Article I, general regulations, Section 58-2 - Section 58-14.

Jim, you want to talk about this?"

Councilman Wooten: "Well this is basically licensing dogs that the state used to do and then they passed that down to the towns to create their own code to mimic the state's requirements, that they're no longer going to handle that data base so we had to enact legislation to take that over as of January 1<sup>st</sup>.

That's basically what this is."

Supervisor Walter: "So we're just basically another unfunded mandate that the state has passed down to us and we thank you, state of New York. If they would just give us the armory, I would be happy.

Would anybody- does anybody wish to be heard on this piece of legislation? There being nobody raising their hand, we'll close this public comment portion and leave it open for written comment until December 30, 2010."

Public hearing closed: 7:33 p.m.  
Left open for written comment to  
December 30, 2010 at 4:30 p.m.

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Supervisor Walter: "Good, all right. Does anybody- the next portion of the meeting we're going to comment on resolutions. Sal Mastropaolo, step up. How did we do? Fair?"

Sal Mastropaolo: "Sal Mastropaolo, Calverton. Resolution 916."

Supervisor Walter: "Let's get to it."

Sal Mastropaolo: "I just have a question. I mean it seems strange that the recreation department would use miscellaneous consultants. I mean, don't we have a better way of spending our money?"

Resolution 920. The amount of money in figures does not equal the amount of money in verbiage in the now, therefore, be it resolved. So either the words have to be changed or the numbers have to be changed, one or the other."

Supervisor Walter: "We have somebody from our engineering department here?"

Sal Mastropaolo: "I would think at the last minute something was changed and-- "

Councilman Wooten: "Well, I hope that the written one is wrong."

Sal Mastropaolo: "Resolution #921."

Supervisor Walter: "Hold on a second, Sal. Can we try and make a phone call again? Before I pass this because we've been-- this is like a thorn in my side. We bid this three times and now we finally get to the point we're going to award the bid for something we should have taken down in August and now it will probably get tabled, Sal, is we can't get an answer. Go ahead."

Sal Mastropaolo: "921. I just have a question. The \$156,868, is that within the limits of the grant since you imply in the beginning that the 261 was outside the grant? Is it safe to assume that the 156 is within the grant?"

Supervisor Walter: "Yes, it is safe to assume that."

Sal Mastropaolo: "Okay. 927- "

Supervisor Walter: "Chris Kempner is not here though. She in the audience? Just confirm that. I know I asked that question at the work session. Just confirm that that is, in fact, true. Next."

Sal Mastropaolo: "927. I don't know what 100% site plan security should be, but shouldn't it be related to the total cost of the construction? No."

Councilwoman Giglio: "No. Only public improvements for the sidewalk in front of it."

Sal Mastropaolo: "It's only for the sidewalk in front of it?"

Councilwoman Giglio: "Public property."

Dawn Thomas: "Public improvements."

Sal Mastropaolo: "Okay. I just thought it was unreasonably low considering it's a five story hotel with a swimming pool and everything else."

Dawn Thomas: "But if we bonded it, we wouldn't build the hotel for them, right?"

Sal Mastropaolo: "Okay. It was just a question. Thank you."

Supervisor Walter: "That's it? That wasn't too bad. Sal, Chris our question was on-- what was the number, Sal-- 920. I know we asked this question before, Chris, but Resolution 920- no, that's the asbestos, 921."

Chris Kempner: "Okay, 920 and 921 are both-- "

Supervisor Walter: "Can you step up to the microphone?"

Chris Kempner: "I have a copy of 920 which is a New York State parks grant, and the 921 is the East End Arts Council which is a downtown revitalization grant from the county for \$87,000 and the remaining funds are CDBG funds."

Supervisor Walter: "So it's-- we have grant money for this project?"

Chris Kempner: "Yes."

Supervisor Walter: "Okay. It's not coming from general fund."

Chris Kempner: "Not right now, we have it fully covered. We removed some items that were submitted in the bid initially because it went a little bit over the grant funding. One of the grants was actually applied for by the East End Arts Council on behalf of the chamber because we're not eligible but we're administering the funds for them so there is a pavilion that was part of it that we're scaling down."

Supervisor Walter: "And we pulled that out. So back to the

original question. This is not coming out of general funds. This is grant funded."

Chris Kempner: "No. The engineering department has reduced the scope of work so that it's all covered by the grant."

Supervisor Walter: "That's perfect. Thanks, Chris. All right, Sal, we have the answer on the last one. The correct is 112, 112,450. So, Diane, here's the chicken scratch."

All right. Does anybody else wish to be heard on the resolutions? Yes, sir, step up."

John Harvey: "John Harvey, from Michael Stapleton Associates. I'd like to comment, sir, if I may on Resolution 936, denial of our special use permit."

I just rushed down from West Point, sir, because originally I was told that we were not going to be on the agenda for tonight. I'm glad I made it here in time so I could at least comment."

Although I have not been able to read the denial itself, I've been informed that one of the things that was said was that there was strong resident opposition to our being present in Jamesport. And also I'm told that the term bombs on the property was used in the language of the denial."

If that is, in fact, accurate then that's disingenuous and not representative-- "

Supervisor Walter: "The resolutions are out on the back table if you care to look at them."

John Harvey: "I'm sorry, sir, I just rushed here. Our attorney was told that we would not be on the agenda tonight. I just spent 11 hours at West Point. I got here as quickly as I can. I apologize, I did not have an opportunity to read it."

I would say respectfully to every one of the board members and the supervisor that since we came to Riverhead and I became familiar and introduced to all of you, everything I did in all my interactions with the board and with the town, has been honorable, has been transparent, and I have been nothing short of respectful to everyone of the board members and everyone of the residents that I

encountered even those who chose to insult me and assail my character which some of you witnessed.

I would respectfully ask that you allow us the opportunity to demonstrate that we do now have strong support for us to be present here in the town of Jamesport at the property, 1801 Main Road. I would ask that you hold off on this denial until you allow us to demonstrate that to you.

I would also ask, I had previously tried to submit an economic and community impact statement on not only the businesses that we were willing- that we would impact in a positive way, but also the community organizations that we would impact in a positive way.

That document with my signature was not accepted by Miss Giglio or Mr. Gabrielsen when I attempted to give it to them at a work session. So I feel that, you know, up until the first week in October when I was present at the Wading River meeting when the resolution was put on the calendar, and I was told by Mr. Wooten that there was no opposition to our resolution. There was no opposition to our application and this would sail through.

And when we walked in on October 19<sup>th</sup> for the public hearing, we were basically sandbagged. And we were unaware as early as Monday afternoon prior to the meeting, Ms. Giglio, we were told that there was no opposition, that there had only been one inquiry about dogs barking.

So we weren't able to get the people that were in support of us being here that realized what kind of impact we would have on a community to come and testify on our behalf.

I did hold a reception, some of you were present at that and I think that we were successful in turning the community around, the residents around, except for one or two people who were just no matter what I said were not going to acknowledge anything I said was in a positive way.

So I would just respectfully ask that you allow us the opportunity to demonstrate to you that we do now have the community's support and the support of the residents and accept my economic and community impact statement before you subsequently, you know, deny or approve our petition."

Supervisor Walter: "Thank you, sir."

John Harvey: "Thank you."

Supervisor Walter: "Does anybody else wish to be heard on the resolutions? Yes, the gentleman sitting down. Go ahead, Mr. Sipala."

John Sipala: "I, too, would like to speak in support of--"

Diane Wilhelm: "Could you just say your name?"

John Sipala: "John Sipala. I am not a resident of Riverhead, however, I am a landowner on Manor Lane. I own several pieces of land, also several residences. Some might argue that doesn't qualify me any way."

Supervisor Walter: "Do you pay taxes?"

John Sipala: "I pay taxes, yes."

Supervisor Walter: "Okay."

John Sipala: "However, to get to the point I'll be brief. There is support for this resolution in my opinion that the town board should consider keeping this to another hearing yet, to hear the support as now that I have the camera, this is really what I wanted."

To speak to anybody who is trying to sell your house right now, maybe there are people that have been trying to sell their house for quite some time with the economy the way it is. A sale if this sale takes place and it does not get knocked down as the town board has said they would do, this sale would be able to used as a comparable and that would strongly help anybody who is trying to sell their home, if you've been trying to sell your home for quite sometime.

I myself have not. And if you're thinking of selling your home in the future with the downward spiral of real estate this would certainly stop the spiral and possibly get it pointed back up in the right direction again.

Other than that, that's my strongest reason to request that the town board hear this again at another hearing.

This also would for the town board in my opinion should be reconsidered because this opens up a can of worms in for them that these people were very transparent, very open, to the point that I have never seen and the town board would say the same.

And people have done things in Riverhead without being open, without being transparent and, in fact, have been successful. This would be a dangerous precedent to set that these people would become the poster child for something like that where anybody coming to Riverhead in the future would say, you know what, the way they did it transparent and open, that's not the right way. Let's do it the blood and guts way.

So I'll leave it at that and hope that you reconsider it and keep this hearing going.

Thank you."

Supervisor Walter: "Thank you, sir. Next. Yes, sir, go ahead."

Steve Peyser: "Good evening. My name is Steve Peyser. I live at Aliperti, next door to this Stapleton proposed project. I've personally spoken with dozens of my neighbors who literally live next to adjoining this property. There are nobody except people that have an inside deal relevant to this project going forward that are for it.

And if a petition is necessary to prove this if you're not going to deny this tonight, then I will personally make sure that you're aware of dozens of scores of people that live there that are vehemently against this.

Thank you."

Supervisor Walter: "Thank you, sir. Does anybody- Matt, before you step up, does anybody else wish to be heard on this resolution sort of so that we can wrap that up? Yeah, let's- go ahead, sir. Mr. Barbato."

Phil Barbato: "Thank you. My name is Phil Barbato. I live at 211 Manor Lane in Jamesport. I would just like to state for the record that this is not a popularity contest. This is not a referendum situation. This is not an economic analysis. This is a



matter of local law and I think your 11<sup>th</sup> point in the resolution itself says it exactly right.

The application failed to demonstrate that the proposed use and it goes on to describe what that is, is consistent or compatible with the permitted uses within the APC district and are consistent with or compatible with existing permitted use immediately adjacent to the subject property.

So even if everyone was in favor of it, it's not in conformance with our law and you shouldn't allow it.

Thank you."

Supervisor Walter: "Thank you, sir. Anybody else wish to be heard? Yes, sir."

Robert Napoli: "Good evening. For the board members, my name is Robert Napoli. I live at 177 Herricks Lane. That's just southwest of the property. Put my glasses on I can probably see it.

I'd like to reiterate a point I have tried to make before to the board members. I'll try to be brief.

I realize you board members must vote in accordance to what is best for our wonderful town but if I may use round numbers, if the population of Riverhead is 24,000 give or take a bit, of those 24,000, 23,600 care not a bit about this project one way or another.

But 400 are opposed to this application for many valid reasons that we have made public in other meetings. If granting this application would show some great benefit for Riverhead and its population, I could see the members making an argument to grant it.

But as far as I can see, I see no great monetary, cultural or other benefit to the town or its people. Why not hear those of us who are opposed to it for the many reasons we have outlined?

Once again, I ask the board members to vote the concerns of your constituency who have concerns with this matter, not the 23,000 who don't and do not approve this.

And I see nothing wrong with resident dissatisfaction. That's what democracy is about. That's what you're up there, to register

our dissatisfaction.

Thank you."

Supervisor Walter: "Thank you, sir. Does anybody else wish to be heard on this resolution? Okay. Go ahead, Matt."

Matt Hattorff: "Matt Hattorff. For the record, Resolution 943, that's the same positions that were brought forward back in September?"

Supervisor Walter: "I've got too many papers here."

Matt Hattorff: "I've got plenty of time."

Supervisor Walter: "No. Slightly different. Do you have Resolution 943?"

Matt Hattorff: "No, it's not in the book."

Supervisor Walter: "Can we give him a copy of 943? Do you want to-- we're going to give you a copy of 943. Tara, just take that one and (inaudible)."

Matt Hattorff: "Okay. Thank you."

Supervisor Walter: "All right. Does anybody else wish to be heard on the resolutions? There being nobody that wishes to be heard, Diane, if you could call the resolutions."

Resolution #913

Councilman Dunleavy: "913, I have a question. Did we have a public hearing on this? To our counsel. Or do we need one."

Dawn Thomas: "If we are changing the code, yes, we do."

Councilman Dunleavy: "We're adding this to the code. I don't remember having a public hearing on this."

(Some inaudible discussion)

Supervisor Walter: "That resolution is going to be tabled. Dan skipped the beat on this one. I don't think we were originally

doing this as a local law. We were doing it as a resolution (inaudible). This was never presented to us as-

(Some inaudible discussion)

Supervisor Walter: "Let's table it and-

Councilman Dunleavy: "I make a motion that we table Resolution 913. So moved."

Councilman Wooten: "I'll second to table."

Supervisor Walter: "Moved and seconded as to table. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is tabled."

#### Resolution #914

Councilman Wooten: "914 is the Calverton sewer district budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

#### Resolution #915

Councilman Gabrielsen: "Reappoints temporary student interns. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

#### Resolution #916

Councilwoman Giglio: "Recreation program fund budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "Sal, the consultants actually are— we call them consultants but they're the people that are on call that we pay like \$20.00 to referee at the softball game or (inaudible). They're not really consultants. It's like being a sanitation engineer."

Resolution #917

Councilman Dunleavy: "Appoints a bingo inspector. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #918

Councilman Wooten: "918 a property tax cap must include mandate relief. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes."

Supervisor Walter: "Yes. And I'm disappointed in our Newsday. Mr. Freedman, we're adopting the same thing you wrote about in your— in the paper this morning. We want some good ink, too. (Inaudible) we all follow. I'll make sure that I get in touch with Supervisor Wilkinson and let him know your position. It

was the village. Oh, well. We beat Wilkinson? Good. The town attorney made a rather good point. We're not following East Hampton."

Diane Wilhelm: "The resolution is adopted."

Resolution #919

Councilman Gabrielsen: "Authorizes settlement with certain defendants in MTBE litigation. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #920

Councilman Wooten: "Do we know the price?"

Supervisor Walter: "One twelve."

Councilwoman Giglio: "Awards bid for Weeping Willow asbestos removal and sanitary system remediation and abandonment, as amended to have the amount be \$112,450.00. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #921

Councilman Dunleavy: "Awards bid for East End Arts Council site improvement project. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #922

Councilman Wooten: "922 appoints the law firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski as special counsel in commending a court challenge to the adoption of Part 182 regulations by the New York State Department of Environmental Conservation and authorizes the supervisor to execute a retainer agreement regarding same. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #923

Councilman Gabrielsen: "Accepts the resignation of a detention attendant. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #924

Councilwoman Giglio: "Reopens Section 384-D and Section 384-E of the retirement and social security law for police officers William Bianco and Eric Lipinsky. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #925

Councilman Dunleavy: "Reclassifies a position. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "This is just a reclassification of an employee without a pay raise. So I vote yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #926

Councilman Wooten: "Authorizes the town clerk to publish and post public notice of a public hearing to consider a proposed local law for an amendment to Chapter 108 entitled Zoning of the Riverhead town code, Article XX, Section 108-97 Major Subdivision (14)(c) park and playground sites. So moved."

(Some inaudible discussion)

Councilman Wooten: "I moved it."

Councilman Gabrielsen: "Okay. And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. We're lowering the impact fee for new homes from \$5,000 to \$3,000 so I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #927

Councilman Gabrielsen: "Accepts 100% security of J. Petrocelli Contracting, Inc. and that's Atlantis Marine World. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #928

Councilwoman Giglio: "Approves extension of performance bond of Riverhead Reeve's Associates, LLC a/k/a NF Golf Resorts for road and drainage improvements. So moved."

Councilman Dunleavy: "And seconded."

Councilwoman Giglio: "I looked into this matter and because there is a section in the back that has not been completed and no houses have been sold they haven't been able to complete the roadway. So once the roadway is complete and the last section is developed, then they'll be able to put the top lift on the road. So that's why we keep extending it until that back portion is actually developed."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #929

Councilman Dunleavy: "Rescinds request for proposals for town of Riverhead website re-design, commercial web hosting high capacity storage published and posted on November 24, 2010 and authorizes the town board to re-publish the advertisement for request for proposals for town of Riverhead website re-design, commercial web hosting high capacity storage. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Say that six times fast."



Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #930

Councilman Wooten: "Amends Resolution #696 to include authorization for property described as Suffolk County Tax Map as district 0600 section 20.00 block 04.00 lot 003.00. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #931

Councilman Gabrielsen: "Extends end date for professional services agreement with Inter-Fluve, Inc. for Grangebel fish passage design and engineering. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded as to the fish passage. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #932

Councilwoman Giglio: "Approves declaration filed by Headriver LLC and authorizes signing of site plan drawings by supervisor. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is for Wal-Mart so I approve it."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #933

Councilman Dunleavy: "Awards bid for electric motor repair/replacement including emergency repair for Riverhead water district. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #934

Councilman Wooten: "Awards bid for construction of supply well at Plant No. 17 contract W-Well work Riverhead water district. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "We're scrambling to now put in another supply well because of the tremendous demand on our water system last summer so with any luck we'll have this supply well up and running and we encourage you- you may not be thinking about it now, but don't water your lawn so much in the summer. We'll have to keep constructing these wells because of the people who water their lawns."

Resolution #935

Councilman Gabrielsen: "Extends contract with Arthur J. Gallagher & Co. VeriClaim and Perma. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #936

Councilwoman Giglio: "Denial of special permit application of Michael Stapleton Associates. So moved."

Councilman Dunleavy: "I'd like to just do an amendment to this. The fifth article, can we take out the word explosives. It says of the presence of explosives. There's no explosives there. There's components of explosives but there's nothing that can explode there.

I'd like that amendment. Just the one word. It's the presence of explosives or explosive components. Just take out explosives."

Councilman Gabrielsen: "Take explosives out."

Supervisor Walter: "We're taking explosives and/or out. Presence- most of components."

Councilwoman Giglio: "So that's also in the twelfth one also."

Dawn Thomas: (Inaudible)

Supervisor Walter: "All right. Did you second?"

Councilman Dunleavy: "I second it."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "I would just like to say for the record that if this was proposed in my backyard, I would not have a problem with it. I believe that the applicant failed to meet the criteria of the special permit.

One of the criteria of the special permit in our section of the code, 108-133.3C, the application shall demonstrate that operation in connection with any special use will not be more objectionable to nearby properties than would be the operation of any permitted use not requiring a special permit.

This particular zone is a residential zone. There are several criteria that should have been addressed during the public hearing and were not. There are several questions that remain unanswered.

Information submitted after a public hearing is closed is not considered by the board as-- in their determination. So based on the facts that were presented the night of the hearing and the failure of the applicant to identify all of the criteria in the special permit criteria, I vote no, I mean yes for the denial. I'm sorry. Yes for the denial."

The Vote (Cont'd.): "Gabrielsen, yes."

Councilman Wooten: "Well. Mr. Harvey I apologize if I misspoke when I spoke to you earlier.

My initial review of the special permit I found to be somewhat benign as to what the use was to begin with. I try not to honestly weigh in on any particular issue until after a public hearing.

And quite frankly, I'm here to represent those that live here and work here and reside here and they overwhelmingly came out with a lot of answers and a lot of questions about the viability of this in that particular neighborhood and so I will side with my neighbors and vote yes to the denial."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "I have to say that there's a dog kennel on Manor Lane and we really never get any complaints about that kennel. I just think that the public at the time of the public hearing was not informed. Nothing can explode on this property and so I-- we represent our constituents and most of our constituents do not want this even though it may be something good for Jamesport. Who knows?

So I have to vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #937

Councilman Dunleavy: "Accepts letter of credit, Atlantis Aquarium. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #938

Councilman Wooten: "Accepts offer of sale and approves the purchase of a portion- a portion of the property located on the north side of Sound Avenue in the town of Riverhead known as the North Fork Preserve. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #939

Councilman Wooten: "Me again, look at that, two in a row.

Terminates the employment of certain part time employees. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, no; Dunleavy."

(Some inaudible discussion)

The Vote (Cont'd.): "Yes; Walter, yes. The resolution is adopted."

Resolution #940

Councilwoman Giglio: "Approves stipulation of agreement. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "This is the first time I'm seeing this so we just got it before the meeting."

Supervisor Walter: (Inaudible)

Councilwoman Giglio: "Okay, yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #941

Councilman Dunleavy: "Authorizes the supervisor to execute a stipulation with Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852. Now I don't know what-- "

Councilman Wooten: "This has to do with the highway-- passing of the highway-- "

Supervisor Walter: "George-- when Mr. Grodski (inaudible), in the CSEA contract, the Supervisor has the ability to in certain circumstances allow-- the town supervisor-- administrative leave (inaudible), a member of the highway department passed, they were authorized by the highway superintendent leave but I needed to sign off on it and I would have but I didn't know about it.

So when it came to the payroll department they weren't authorized so they took leave time out of their-- they got docked. So this is something that the highway department had asked for I'm

going to say six months ago. The wheels of the town turn slow, it's probably more like 10 months ago and we're giving them back the (inaudible), we lost a very good member of the highway department--  
"

Councilwoman Giglio: "It was a couple hours a day-- of the day for a few employees that attended the funeral."

Supervisor Walter: "And we discussed it but it never made it in the packed."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #942

Councilman Wooten: "Authorizes recreational deer hunting on town property at Enterprise Park at Calverton from January 3, 2011 to January 31, 2011 and fixes landowner use fees. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "I just want to thank the-- we had a hunting at EPCAL advisory committee and they made this happen in two weeks. The amount of work they did, they volunteered, go out there, do all the work, set up the signs, direct the people. I really want to applaud those members that made this happen. Government can work if you push, we can see that with them."

And I want to thank Dave Fulton (phonetic); Tom Gabrielsen, Donald Gloth (phonetic); and Rob Gabrielsen. They're members of (inaudible) that made this happen. That's a yes."

Councilman Dunleavy: "Can I just say something? Are we going to have a lottery?"

Councilman Gabrielsen: "Yes. I'll bring that up-- do you want me to bring that up now?"

Okay. I want to make another announcement to the hunters out there. There will be a lottery next Monday, that's Monday, the 27<sup>th</sup>, at 5:30. We're going to have a lottery for the hunters who want to participate. We want to make it fair so they all get a chance to pick their days and section. It's broken up into sections to hunt. So we're organized.

I want to make that clear. There will be a lottery Monday, the 27<sup>th</sup> at 5:30 so if you want to hunt, be here."

Supervisor Walter: "If we don't fill up the slots, then will it be first come, first served?"

Councilman Gabrielsen: "Right. We don't know how many people are going to participate. I'm thinking maybe we'll fill the slots in a week or two so after that whoever comes, you can come back and can keep coming and fill the slots.

I vote yes."

Supervisor Walter: "Okay, moved and seconded. Vote please."

Diane Wilhelm: "I thought-- we were in the middle of-- "

Councilman Gabrielsen: "I was a yes."

(Some inaudible discussion)

Councilwoman Giglio: "I voted yes."

The Vote (Cont'd.): "Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Councilman Gabrielsen: "And I also-- one more note. I want to thank Councilman John Dunleavy with the lottery. He's a proponent of that. So I want to-- I appreciate that."

Councilman Dunleavy: "Thank you."

Resolution #943



Councilman Gabrielsen: "Abolishes positions. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "They're all lumped into one sum here. I'm going to vote no."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "I don't like the way they're lumped all together. These are full time employees. They should-- we should be voting on them separately. Some department heads came with alternative savings to save their employee and we didn't listen to them. So, you know, a lot of these we have to let go but some we could keep as far as the department heads saving in other ways.

So I'm going to vote no."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #944

Councilwoman Giglio: "Appoints a maintenance mechanic II to the sewer district. So moved."

Councilman Dunleavy: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "This is someone that we had just laid off and they applied for another position within the town from somebody that had retired and, of course, they got the position. So, you know, we filled one of the positions and I know that the supervisor has been working diligently trying to place the other employees that have lost their employment here.

So I vote yes."

The Vote (Cont'd.): "Gabrielsen."

Councilman Gabrielsen: "Yes, I agree with Jodi. Like you say, we made the effort and we saved one of the person's here that still has a job. So yes."

The Vote (Cont'd.): "Wooten."

Councilman Wooten: "So make sure you keep you dogs away from your sewers because our dog catcher is in the sewer district now. Yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "One out of six is not a good savings and I know the supervisor has been trying to get these people jobs in other towns and other agencies with no result. But at least we found a position for our-- one of these people. So I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #945

Councilman Dunleavy: "Pay the bills. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter. The resolution is adopted."

Supervisor Walter: "Okay. Now we open the town board meeting to public general comment period. We'd like you to limit your comments to five minutes if you would."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. Quick question about that deer hunt lottery. Is there a form that has to be filled out before time?"

Councilman Gabrielsen: "No. Just report at that time. The committee is setting it up now that when you come in, they'll give you a piece of, you know, paper with your name on it. You'll fill

it out there. Nothing has to be done before."

Sal Mastropaolo: "Is the lottery for the entire 28 days or is it one day at a time?"

Councilman Gabrielsen: "It's how we fill it up. It may be for one week, two- it's for town of Riverhead residents only. I want to make that clear. This year, right."

Sal Mastropaolo: "Let's clarify that. Town taxpayers."

Councilman Gabrielsen: "Town of Riverhead. Your address would have to be- "

Sal Mastropaolo: "You don't have to be a resident if you're paying taxes in the town."

Councilman Gabrielsen: "Right. You show us your ID, your license, whatever shows your address. Your tax bill, right."

Sal Mastropaolo: "All right. So they should bring a tax bill if you're not a resident. Thank you."

Councilman Gabrielsen: "That will work. Can you answer that, Tom or- right, okay."

Dominique Mendez: "Dominique Mendez, Wading River, Riverhead Neighborhood Preservation Coalition."

As you know, a growing number of us has been questioning the town's review of the amended site plan for the Great Rock clubhouse expansion. Not only are there a growing number of concerned neighbors like me and some of those that are sitting here in attendance, but also there are- the Riverhead Neighborhood Preservation Coalition, Wading River Civic Association, the North Fork Environmental Council, and Group for the East End who have also joined forces with us on this issue.

Unfortunately it appears that all the serious red flags we have raised about this process have not resulted in one single meaningful action on the part of either the town or the planning board.

In the meantime, Riverhead town procedure law and code are all basically being ignored.

It is disturbing to attend meetings and hear members of both the town and planning board refer to this expansion plan as something that's going to solve the problem of the outdoor music when that particular problem no longer exists.

Although during the last meeting we did hear the supervisor speak of his desire for an environmental review of all three proposed commercial projects in Wading River including Great Rock, I heard no mention of this at the most recent review of the newly expanded Great Rock site plan, a plan that now shows 7,200 square feet on the two top stories, plus a 6,200 square foot basement.

In fact, the majority of planning board members still appear to be favorably disposed to this site plan and moving towards a resolution.

Although there are no public hearings for site plans that fall under the planning board's jurisdiction unlike in other east end towns, we have communicated repeatedly to this board and the planning board to bring to their attention the myriad reasons why this site plan should not proceed towards approval.

Unfortunately it has become crystal clear to us that this process is a farce.

The town is ignoring the covenants that prohibit a restaurant. It seems because this latest site plan expands a restaurant use that is specifically prohibited in that covenant.

It appears to be a concerted effort to keep the town board from considering a special permit for this expansion. That I expect is because it would be patently ridiculous for the town board to grant a special permit for such a mathematically huge expansion of a prohibited non-conforming accessory use, the restaurant, to a specially permitted use, the golf course.

So we're all supposed to believe that the catering use is an accessory to the golf course though the catering use is clearly an expansion of the restaurant where by the way the food will be cooked.

Apparently covenants put on properties in this town are useless, and residents should feel no confidence that any future covenants will prevent over-commercialization in their neighbors.

We also are supposed to believe that there is a recreational overlay district that the site plan should be measured against, yet the town board did some housekeeping and removed what it considered as a (inaudible) zone from the language of the code in resolution 646 passed on July 15, 2008.

I guess that town law is meaningless, too. Here's that town law."

Supervisor Walter: "Can I comment on that or do you want to wait until the end?"

Dominique Mendez: "Can you wait until the end? Thank you.

The kicker here is that the planning board was discussing a resolution on this site plan last Thursday, although the planner evaluating the site plan admittedly does not have a copy of the uses and requirements of that zone.

How is it possible for planning to claim that a site plan meets the zoning requirements when all the planner knows for sure is the name of a zoning district that no longer exists?

Yes, I call this a farce. In fact, now I understand how Alice felt in Lewis Carroll's completely nonsensical world of Wonderland.

First we had to deal with town members-- with members of the town board resurrecting a dead issue when they advocated for public meetings to get around the town's previously firm and legally unchallenged position that Great Rock had no more yield to build villas or condos.

In the end, Great Rock's acknowledgment that their imminent demise was not so imminent as they had led everyone to believe, helped to put an end to that. But it's not forgotten.

Is anything sacred in this town besides the money making schemes of favored well connected business persons?

As the town board, the planning department works for you, as does the town attorney's office which it pains me to say has been offering up some extremely Great Rock friendly opinion since this new administration took office.

The town board has the right and responsibility to address the use issue here with the consideration of a special permit. Take a few steps back and slow this process down, that's what we ask.

What happened to this point has been deplorable but it's not too late to move in a different direction. We're not the ones asking for any special favors. We're not asking you to twist the law and code until it's unrecognizable. We're just appealing to you to obey your own procedures, covenants and codes and in doing that, you'll do right by the residents of this town.

Thank you."

Supervisor Walter: "-- because you are about 50% factually inaccurate and to say that I have not stepped up, to say that the town attorney's office has-- nothing has happened-- in fact, what did happen, I called their bluff. Okay. The housing is done. The housing wouldn't have been done if I didn't call their bluff.

The town attorney's office is looking into-- two things are happening. One, in January there's not going to be outside counsel or probably in February since we're having some other transitions, there's not going to be outside counsel for the planning board. Okay?

The town attorney has been asked to find the original overlay zone. See, here's what you have to understand and you don't want to understand. Some people don't want to make this connection.

When the previous board removed the underlying verbiage from the code, that was irrelevant. It made no legal difference. When you get a special permit, the special permit runs with the land. So when we gave him a special permit for the restaurant-- not the restaurant, the golf course, golf club, the special permit attaches and runs with the land.

So whatever rights they had under that special permit even though you eliminated the verbiage, those rights they still have and you can shake your head no, but it is legally factual. Special permits run with the land. The rights they have-- "

Dominique Mendez: "And the covenants run with the land also."

Supervisor Walter: "The rights they have under the special

permit run with the land. What-- the question, there are two questions that have to be asked.

The first question is what does the covenants mean? It was not artfully done. I'm sorry. You may think that it is as clear as day. It is not artfully drawn and we will make sure that the covenant itself is not violated. You have my word that that covenant will not be violated.

But the second issue that the planning board has to grapple with-- and my office has spent a tremendous amount of time with this issue, is to find out what rights, if any, they have under the special permit. And there is a town attorney that was assigned today to go-- a deputy town attorney that was assigned today to ferret out if you will what the uses, what the floor area ratio was, what was it that they were given at the time. And they will write an opinion as to whether it's a non-conforming use-- an expansion.

If it's an expansion of a non-conforming use, it comes here. If it is not an expansion of a non-conforming use, if it is within the special permit that was granted, unfortunately it stays with the planning board. That's the way the town code is set up.

But for you to stand there and say we're not looking at it is-- I take umbrage with that because you are wrong. I am going to put a tremendous amount of pressure on the planning board very shortly to do a comprehensive environmental impact statement for the entire area. I didn't create the zoning.

I've got the Democrats running around like chickens with their heads cut off telling me how I'm un-doing the master plan and, quite frankly, the master plan in Wading River doesn't make sense but what you don't want and what I think people are advocating is us to go back and rezone the property.

Because here's what you're going to get if I rezone the property."

Dominique Mendez: "Are you talking about Knightland now?"

Supervisor Walter: "Rezone Knightland, rezone-- "

Dominique Mendez: "If that what you're talking-- you're not talking about Great Rock when you talk about rezoning."

Supervisor Walter: "Rezone any of the other commercial districts. We don't have a very good track record as a town when we rezone these commercial districts-- expanded. And what my fear is, is you're going to get an approved site plan the way we did with the Reeves Park area, and the judge is going to come down and say you may not like it town, here's your site plan.

You have to work within the existing (inaudible) of the code. We have to make sure we give them what they're entitled to, no more, no less. And I promise you, you may not agree with it. I suspect that you won't. But I will be open and honest and you will have access to everything we find but the jury is not out. You may think they're moving quickly, they're not moving that quickly."

Dominique Mendez: "I was at the last planning board. There weren't objections raised by them and they were talking about the resolution. And they didn't mention-- "

Supervisor Walter: "They do not have the authority to grant that resolution until these issues are worked out and one of the reasons that the planning board's attorney is going to be working for the town attorney gives us a little larger, just a little better for us."

Dominique Mendez: "That would be news to me. I have had conversations with people and this is new news for me because I have had these conversations. But that would be good if that's the direction that you're now going into. Because before it had seemed to have fallen on deaf ears. So I hope that there is a switch."

Supervisor Walter: "It is not deaf ears. And what I will not do is what the previous supervisor did. Somebody comes out and screams he removes a section of code, that's bombing an aspirin factory. Didn't do any good."

Dominique Mendez: "They removed something was housekeeping that they didn't believe had any use."

Supervisor Walter: "He did it for this reason and it didn't make a difference (inaudible)."

Dominique Mendez: "Because when the master plan rezoned from the RB-40 to RB-80, they felt that the rezoning removed the zoning. It removed the RB-40 zoning and it didn't specifically extinguish



the RB-40 zoning yet no one is denying that it removed the RB-40 zoning. So- "

Supervisor Walter: "They are subject to a special permit though for the recreation overlay which is why (inaudible)."

Dominique Mendez: "Which has also, luckily the covenants prohibited a lot including the restaurant use."

Supervisor Walter: "They will not be permitted to do anything the covenant doesn't allow."

Dominique Mendez: "Well, they have already with the restaurant and bar that were prohibited to we're hoping it should stop there."

Supervisor Walter: "And we will make sure that if they're entitled to something they get it. If they're not entitled to something they won't get it. And you will have the information but-"

Dominique Mendez: "I hope that's the case. It's new information to me but that's very good."

Supervisor Walter: "Well, that's not new- I've been talking about this for a while."

Dominique Mendez: "No, never in this way that-- there has never been any talk of actually getting it over to a special, a possible special permit from the town board. It was always that it doesn't need to and that's what I've always been told. So if that's the case, that's definitely a step in the right direction because there's no way that it wouldn't be considered. It shouldn't be considered according to your own town laws."

Supervisor Walter: "All right. Thank you. Does anybody else wish to be heard tonight? Yes."

John Harvey: "Thank you. I accept the board's ruling although I am disappointed. I would just like to clarify one thing."

Miss Giglio, the reason that we looked at APZ was that was based on your recommendation."

Councilwoman Giglio: "No, you would be incorrect because I gave you industrial C where it is a permitted use without a special permit."

John Harvey: "Excuse me, ma'am. I just want to make my comment and then I'll listen to your response if I may. And again you told us when we first came here that industrial C was our best option. Our second best option was APZ, we should start looking at APZ. There's minutes of the work session, ma'am, they are there and that comment was in there."

You also told me, Miss Giglio, that if I was a private citizen I could have up to 20 dogs on the property and there wasn't anything the town could do about it. Again, in the spirit of- the integrity of our company, the integrity of myself, I operated with the board in an open and honest fashion.

Every meeting I had, the first thing I said to you was we would have to have explosive components on the property. There was not one objection ever raised by any member of the board at any work session that we were at.

Again, I accept your decision. I'm unhappy with it. It's been an interesting exercise in democracy. I will, you know, think twice about doing business out here in Riverhead.

Again, I don't think you took everything into account. We did answer out everything that was listed after the public hearing, our attorney did (inaudible). And, again, you made your decision. I accept your decision but I think the good people in Riverhead were short changed and we are a nation at war ma'am. We have people overseas. I have teams overseas at this point working in Afghanistan.

We'll find a place to train and do our part in the nation's security and contribute to homeland security and the bucolic life of Jamesport will go on. But it was a distressing 10 months because for the past 10 months, not one objection was raised by any member of the board until the public hearing. And that was a little- that's disconcerting for me.

Again, I thank you for your time."

Councilwoman Giglio: "And if I would respond."

John Harvey: "Yes, ma'am."

Councilwoman Giglio: "When I gave you a list of properties to seek and I had a call from the planning board office and they were all industrial C properties where this is a permitted use and you would not have to appear before this board asking for a special exception. I gave you properties where it was permitted. You opted to go into an APZ area."

John Harvey: "It was on your recommendation, ma'am."

Councilwoman Giglio: "No, it was not."

John Harvey: "If the minutes of the work session are a matter of public record then I think you'll find because I was not familiar with the term APZ, ma'am. Okay, until you brought it up."

Councilwoman Giglio: "No, I gave you industrial C property."

John Harvey: "You told me industrial C was my best option and then you told me agriculturally protected zone was our second best option because a kennel was an allowable use."

Supervisor Walter: "Okay, thank you, sir."

Councilman Gabrielsen: "Brother Tom in every way you can think of."

Tom Gabrielsen: (Inaudible) "We need to bring a residential tax bill for driver's license showing you're town of Riverhead and also a valid hunting license. Those two things. And we'll have a lottery. They're going to be two days, it will be like Monday and Tuesday; Wednesday and Thursday would be a second and then you'd have Friday and the next Monday. So it would be two days in a row and we'll just get the hat, pick the numbers and the first one that picks gets the first choice."

Supervisor Walter: "We're going to get them certified by some accounting firm-"

Tom Gabrielsen: "And also the fact that, John, we thank you. You actually brought the idea the lottery at the work session, nobody really wanted to go that way. I went home and started thinking, I thought that's the fairest thing to do. (Inaudible)."

Councilman Dunleavy: "Thank you."

Councilman Gabrielsen: "All right, Tom, thank you. You can't shoot any reindeer because the guy coming up behind you is going to be very upset."

(Inaudible comments by Sal Mastropaolo)

Supervisor Walter: "Yes, sir."

Councilman Dunleavy: "This- partially Santa Claus. He just left his reindeer someplace."

Anthony Yarusso: "I'm not really who you think I am. I'm Anthony Yarusso and I live up on 564 Sound Shore Road. My wife, Mary, is with us tonight and John the president of the Northville Beach Civic Association is here and I'd just like to say that this town board, the former town boards, to everyone in government in the town of Riverhead has worked so diligently on the acquisition of this land preserve, I think it's great. "

Supervisor Walter: "North Fork Preserve."

Anthony Yarusso: "North Fork Preserve, yes. And the purchase of that is just paramount to us up there as residents. It's going to help with our drainage. It's going to help the town with its park and etc and I say kudoos, well done, guys. Thank you very much."

Supervisor Walter: "Thank you. Next."

Tom Losandro: "In regards to the hunting up at EPCAL, what measures will they be taking to prevent deer-jackers. That happened right across the way at Calverton National Cemetery."

Councilman Gabrielsen: "Right. Well, that's- the hunters are very responsible people. There's deer-jacking going on now. We have the DEC in there now, officers. We have two of them in there that are patrolling it kind of extensively and so they're looking at it. They're taking care of it. The DEC officers are up there, you know, taking care of that. A lot of that happens at night. The hours are from sunrise to dusk."

Tom Losandro: "That's what deer-jacking is all about, at

night. Are they going to be up at EPCAL also at night, the DEC?"

Councilman Gabrielsen: "The DEC officers. I don't know what the schedule is but I've been out a number of times and I've seen them there. We'll talk. They're out there patrolling it."

Councilman Dunleavy: "That's up to them what hours they work. They're trying to catch anybody in there that's jacking deer and we'll see what happens."

Tom Losandro: "What are the dates again? January what?"

Councilman Gabrielsen: "The 3<sup>rd</sup> to the 31<sup>st</sup>."

Tom Losandro: "Does involve any holidays?"

Councilman Gabrielsen: "It's weekdays only. It's not weekends."

Tom Losandro: "There are funerals going on during the day over at the Calverton National Cemetery."

Supervisor Walter: "I don't think there's going to be too much noise. You've got the Ridge shooting range which is much more prevalent."

Councilman Gabrielsen: "The DEC allows hunting right around this area. It's open. If you go to the east gate, it's all open hunting. Right."

Tom Losandro: "But does anyone from the committee go over to Calverton National Cemetery and bring it to their attention that it's going to be- "

Councilman Gabrielsen: "I don't see it being a problem. It's a permitted use there. It's already been designated by-- the DEC as 100% behind this."

Councilman Dunleavy: "I don't know how- they have to hunt with slugs and I don't know how loud they are."

Tom Losandro: "I just hope that nothing- "

Supervisor Walter: "Thank you. Good evening."

Sue Hansen: "Hi. I'm Sue Hansen, from Rocky Point. And I wanted to make a comment but it's really more of a question to get some clarification on something that happened today with one of the dogs at the animal shelter, a dog by the name of Bruno.

I attended an animal shelter advisory committee meeting last night and it was discussed that this dog which had been I believe surrendered back around sometime in October because of a bite history, was for the most part kept in isolation in the back of the kennel and it was dispositioned that the dog was going to be euthanized this morning at which point various members of the committee expressed concern as to why this was going to take place and ask that it be postponed until they could get further information and possibly wait until they reevaluated the euthanasia policy."

Supervisor Walter: "Sue, I'll give you all the information. They- the town board has a policy for the dogs. This dog was dropped off- this dog bit a child. This dog was dropped off to our animal shelter, been abandoned, and it was clearly a question whether the dog has bitten and they responded no.

The child was taken to the hospital. The hospital reported it to the Suffolk County Health Department. The Suffolk County Health Department contacted this individual, said what did you do with the dog that bit the child? They said they surrendered him to the Riverhead animal shelter.

At that point the Health Department contacted the animal shelter. The animal was quarantined. The animal was- we have a policy that says the ACO determines that the dog is violent, that it goes to a veterinarian. We follow the policy to the letter of the resolution that was adopted. The animal was taken to a veterinarian. The veterinarian said that the animal was dangerous so with the bite history with the child and the ACO and the veterinarian saying that the animal was dangerous, the animal was euthanized. We follow the policy 100% and will continue to do so."

Sue Hansen: "Okay. I don't know if the policy has been revised since the last time I read it. But I know that when it was issued a while back I think it was 2005- "

Supervisor Walter: "It has not been revised."

Sue Hansen: "Okay. I believe the wording on that policy is that a dog must be deemed dangerous and beyond rehabilitation."

Supervisor Walter: "The dog bit a child."

Sue Hansen: "Do you know what the circumstances were?"

Supervisor Walter: "The dog bit a child. The dog was taken to the vet. The vet- "

Sue Hansen: "I'm not dismissing the seriousness of that allegation."

Supervisor Walter: "I'm not going to debate you."

Sue Hansen: "I'm not asking you to debate it."

Supervisor Walter: "Well, we follow the policy and there's nothing else really that we can say on the subject. We protect- my charge and the town board's charge is to protect the public and (inaudible)."

Sue Hansen: "My actual- "

Councilman Wooten: "Sue, I can understand your concern and I'm looking into it. I don't understand the October 5<sup>th</sup> to Dec. 16<sup>th</sup> time frame. If that dog was dangerous October 5<sup>th</sup> it should have been taken care of October 15<sup>th</sup>."

Sue Hansen: "And the comment that I would make is that you do have an animal advisory committee in place and you have a town board liaison that attends those meetings and what I fail to understand is and you can correct me if I'm wrong, Mr. Walter, but did you discuss this- "

Supervisor Walter: "Actually I've given you all the information that I can at this point."

Sue Hansen: "I question why you wouldn't at least discuss it with your fellow town board member to see what the concerns were by the animal committee and to maybe take their concerns into consideration when you bypassed his recommendation that they wait on the euthanasia on this dog until they could evaluate the policy and get further details on the incident."

Supervisor Walter: "Thank you for your time."

Sue Hansen: "And thank you, Jim, for your concern."

Supervisor Walter: "Would anybody else like to be heard this evening? There being nobody, can I have a motion to adjourn?"

Councilman Gabrielsen: "I make a motion to adjourn."

Supervisor Walter: "All in favor?"

Collective response: "Aye."

Meeting adjourned: 8:45 p.m.

*Deane M. Melhelm*  
*Town Clerk*